

REMARKS:

Applicant notes that this response uses the new revised format for amendments set forth at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/revamdtprac.htm>.

Status

After this response, claims 1 to 39 are pending. The independent claims, namely claims 1, 14 and 27, have been amended. Reconsideration and further examination are respectfully requested.

Withdrawal of Previous Arguments

Applicant hereby withdraws all previous arguments made in this case as moot. In view of the Office Action, these arguments have not persuaded the Examiner and are therefore immaterial to the disposition of the case.

Claim Rejections

The claims were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,896,373 (Mitts) in view of U.S. Patent No. 5,243,595 (Woest) or over Mitts in view of Woest and further in view of U.S. Patent No. 6,049,533 (Norman).

Amended claim 1 is reproduced below for the Examiner's convenience:

1. A method, including steps of wirelessly sending a message from a base station controller, said base station controller being capable of controlling a communication cell, to at least one customer premises equipment, wherein said steps of sending include:

sending said message from a source within said cell to a first access point associated with said base station controller; and

sending said message from said first access point to a destination within said cell;

wherein said message could be sent line-of-sight from said base station controller to said customer premises equipment but is instead sent via said first access point so as to be in better form.

The applied art, alone or in combination, is not seen by Applicant to disclose or to suggest the foregoing features of claim 1, at least with respect to the feature that "said message could be sent line-of-sight from said base station controller to said customer premises equipment but is instead sent via said first access point so as to be in better form."

Mitts deals with a connection between a mobile terminal and an ATM (asynchronous transfer mode) network through an access point. Mitts discusses handing over the connection from a first access point to a second access point. See, e.g., Mitts, col. 5, lines 21 to 59.

Applicant does not see anything in Mitts that suggests using one of the access points as an alternative to a line-of-sight connection. Thus, Applicant does not see Mitts to address claim 1's feature that "said message could be sent line-of-sight from said base station controller to said customer premises equipment but is instead sent via said first access point so as to be in better form."

Woest was cited for disclosing, *inter alia*, breaking up packets in messages into smaller packets. Woest is not seen by Applicant to mention a line-of-sight connection or use of an alternative to a line-of-sight connection. Woest therefore is not believed by Applicant to offer anything to remedy the foregoing deficiencies of Mitts.

Norman discloses a “network communication system in which access points providing wireless access to the system reroute misrouted information packets in the event the location of a mobile unit has changed” (Abstract). Norman’s system utilizes access points that provide mobile units with wireless access to the network. Applicant does not see anything in Norman that suggests using one of the access points as an alternative to a line-of-sight connection. Applicant therefore also does not see Norman to offer anything to remedy the deficiencies of Mitts discussed above.

In view of the foregoing, amended claim 1 and its dependent claims 2 to 13 are believed to be allowable over the applied art. Such action is respectfully requested.

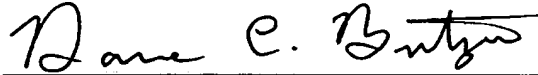
Claims 14 to 26 are claims directed to base station controllers that implements the methods of claims 1 to 13. Claims 27 to 39 are directed to memories that store instructions for performing the methods of claims 1 to 13. Accordingly, claims 14 to 39 also are believed to be allowable over the applied art. Such action is respectfully requested.

Closing

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney can be reached at (614) 486-3585. All correspondence should continue to be directed to the address indicated below.

Respectfully submitted,

A handwritten signature in black ink, reading "Dane C. Butzer", written over a horizontal line.

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